

Fax

Date: 0

October 9, 2003

To: Examiner E. Sackey

Fax #: 703-746-5088

2

Confirm#: 703-305-6889

Client Matter#:

20021-1403

Fram:

Dana Gordon, PhD

Sender's Number: 1765

User #:

5042

Total Pages Sent (Including Cover Sheet):

. . . .

Office:

Boston

Message

U.S. Patent Application Serial No.: 10/004,101

Title: Ligands for Metals and Improved Metal-Catalyzed Processes Based Thereon

Filed: October 23, 2001

Applicant(s): Buchwald, S.L. et al.

Atty, Reference: MTV-014.03 (20021-1403)

IMPORTANT - PLEASE READ

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OF AN AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DIDDUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

IF THERE ARE ANY PROBLEMS WITH THIS TRANSMISSION PLEASE TELEPHONE THE SENDER.

EOSTON / 155 Scaport Boulevard ( Boston, Massachusetts 02210-2800 / TEL: 617-832.1000 | FAX: 617.832.7000 WASHINGTON, DC | 1747 Pannsylvania Ave., NW | Suite 1200 | Washington, DC 20008-4804 | TEL: 202.223.1200 | FAX: 202.785.6687 Www.foleyhoag.com

PTO/SB/26 (10-00)
Approved for use through 10/31/2002. OMB 0851-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT

Docket Number (Optional) MTV-014.03

In re Application of: Buchwald, S.L., et al.

Application No. 10/004,101

Filed: October 23, 2001

For: Ligands for Metals and Improved Metal-Catalyzed Processes Based Thereon

The owner\*, Massachusetts Institute of Technology of 100 percent interest in the Instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. <u>6.395.916</u>. The owner hereby agrees that any patent so granted on the Instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later; expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorly disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. 🔲	For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency,
	etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on Information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. 🛛	The undersigned is an attorney of record.	Sara Dordon	9/24/03
		Signature	Date

Dana M. Gordon (44,719) Typed or printed name

Terminal disclaimer fee under 37 CFR 1,20(d) is included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

\*Certification under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the indivU.S. idual case. Any comments on the amount of time you are required to complete this form should be sent to the Chlof Information Officer, Patent and Trademark Office, Washington, DC 20231, DO NOT'S END FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.